

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION

TIME SCHEDULE ORDER NO. 2007-XXXX

REQUIRING THE CITY OF WILLIAMS
WASTEWATER TREATMENT PLANT
COLUSA COUNTY

TO COMPLY WITH REQUIREMENTS PRESCRIBED IN ORDER NO. 5-01-049
(NPDES PERMIT NO. CA0077933)

The California Regional Water Quality Control Board, Central Valley Region, (hereafter Regional Water Board) finds that:

1. On 16 March 2001, the Regional Board adopted Waste Discharge Requirements Order No. 5-01-049 (NPDES No. CA0077933), to the City of Williams (hereafter Discharger), for the discharge of approximately 0.3 million gallons per day (mgd) of treated municipal wastewater to Salt Creek, a water of the United States and a tributary to Freshwater Creek and the Colusa Basin Drain. The design flow of the facility is 0.5 mgd. The Order expired on 1 March 2006, however it was administratively extended because the Discharger filed a timely renewal of its Report of Waste Discharge.
2. Order No. 5-01-049 includes Effluent Limitations B.1B. that require the Discharger to comply with effluent limitations after 30 December 2005, and reads in part as follows:

<u>Constituents</u>	<u>Units</u>	<u>Monthly Average</u>	<u>Weekly Average</u>	<u>7-day Median</u>	<u>Daily Maximum</u>
BOD ¹	mg/l	10 ²	15 ²		20 ²
	lb/day ³	42	63		84
Total Suspended Solids	mg/l	10 ²	15 ²		20 ²
	lb/day ³	42	63		84
Total Coliform	MPN/100ml			2.2	23
Turbidity ⁴	NTU				5 ⁴
Ammonia	mg/l		Attach B		Attach C

¹ 5-day, 20°C biochemical oxygen demand (BOD)

² To be ascertained by a 24-hour composite

³ Based upon a design treatment capacity of 0.5 mgd

⁴ The daily maximum limit is 5 NTU, the daily average shall not exceed 2 NTU

3. Order No. 5-01-049 also includes Effluent Limitation B.2. that requires that wastewater shall be oxidized, coagulated, and filtered, or equivalent treatment provided after 30 December 2005.
4. Order No. 5-01-049 also includes Effluent Limitations B.3. that requires that the arithmetic mean of 20°C BOD (5-day) and of total suspended solids in effluent samples collected over a calendar month shall not exceed 15 percent of the arithmetic

mean of the values for influent samples collected at approximately the same times during the same period (85 percent removal) after 30 December 2005.

5. The City submitted a Draft Wastewater Facility Plan in August 2003 that recommended conversion from surface water disposal to land disposal. The City conducted outreach and meetings to assess interest in local landowners to sell land to the City. Due to the increased land costs and lack of support by residents, the City explored upgrading the wastewater treatment level to tertiary with a continued discharge into Salt Creek. By letter dated 15 November 2005, the Discharger reported that it could not comply with Effluent Limitations B.1.B and B.2 described in Order No. 5-01-049 because of the following:

- i) A small ephemeral receiving water lacking reliable assimilative capacity;
- ii) Tight clayey soils surrounding the City with low percolation rates, which results in large land requirements for land disposal;
- iii) Small customer base with low median household income;
- iv) City's dire financial condition; and,
- v) Discontinuity of City staff.

The Discharger requested issuance of a Cease and Desist Order that would protect them from mandatory minimum penalties related to the effluent limitations described in Order No. 5-01-049 so that the available funds could be directed toward treatment process improvements in lieu of penalties. The Discharger has not completed plant upgrades as needed to comply with the NPDES permit and is in violation of Effluent Limitations B.1B., B.2., and B.3., as discussed in Findings 2 through 4.

6. As a result of the events and activities described in this Order, the Regional Water Board finds that the Discharger has caused or permitted waste to be discharged in such a manner that it has created, and continues to threaten to create, a condition of pollution or nuisance. The Regional Water Board also finds that the Discharger is discharging waste in violation of Order No. 5-01-049.
7. Section 13267(b) of the California Water Code states:

"In conducting an investigation specified in subdivision (a), the regional board may require that any person who has discharged, discharges, or is suspected of having discharged or discharging, or who proposes to discharge waste within its region, or any citizen or domiciliary, or political agency or entity of this state who has discharged, discharges, or is suspected of having discharged or discharging, or who proposes to discharge, waste outside of its region that could affect the quality of waters within its region shall furnish, under penalty of perjury, technical or monitoring program reports which the regional board requires. The burden, including costs, of these reports shall bear a reasonable relationship to the need for the report and the benefits to be obtained from the reports. In requiring those reports, the regional board shall provide the person with a written explanation with regard to the need for

the reports, and shall identify the evidence that supports requiring that person to provide the reports.”

8. The Discharger owns and operates the facility subject to this Order. Monitoring reports and other technical reports are necessary to determine compliance with the NPDES permit and with this Order.
9. California Water Code (CWC) section 13300 states: “Whenever a regional board finds that a discharge of waste is taking place or threatening to take place that violates or will violate requirements prescribed by the regional board, or the state board, or that the waste collection, treatment, or disposal facilities of a discharger are approaching capacity, the board may require the discharger to submit for approval of the board, with such modifications as it may deem necessary, a detailed time schedule of specific actions the discharger shall take in order to correct or prevent a violation of requirements.”
10. This Time Schedule Order is issued in accordance with Section 13300 of the California Water Code and establishes a time schedule for compliance.
11. In accordance with CWC section 13385(j)(3), the Regional Water Board finds that the Discharger is not able to consistently comply with the Effluent Limitations B.1.B. for BOD, total suspended solids, total coliform organisms, turbidity, and ammonia, B.2., and B.3. These limitations are new requirements that became applicable to the Order after the effective date of adoption of the waste discharge requirements, and after July 1, 2000, for which new or modified control measures are necessary in order to comply with the limitations, and the new or modified control measures cannot be designed, installed, and put into operation within 30 calendar days.
12. CWC section 13385(h) and (i) require the Regional Water Board to impose mandatory minimum penalties upon dischargers that violate certain effluent limitations. The Discharger has accrued significant penalties for violations of Effluent Limitations B.1.B. since 1 January 2006, and will continue to accrue penalties pending completion of its compliance project. However, CWC section 13385(j) exempts certain violations from the mandatory minimum penalties. CWC section 13385(j)(3) exempts the discharge from mandatory minimum penalties “*where the waste discharge is in compliance with either a cease and desist order issued pursuant to Section 13301 or a time schedule order issued pursuant to Section 13300, if all the [specified] requirements are met.*”
13. Compliance with this Order exempts the Discharger from mandatory penalties for violations of Effluent Limitations B.1.B. for BOD, total suspended solids, total coliform organisms, turbidity, ammonia, and Effluent Limitations B.2, and B.3. only, in accordance with CWC section 13385(j)(3). CWC section 13385(j)(3) requires the Discharger to prepare and implement a pollution prevention plan pursuant to section 13263.3 of the California Water Code. These constituents listed above are

components of human sewage and are not feasible to be reduced by pollution prevention, but are dependent on additional control measures being placed in operation. Therefore, a pollution prevention plan is not required.

14. CWC section 13385(j)(3)(A) requires this Order to specify the actions that the discharger is required to take in order to correct the violations that would otherwise be subject to mandatory minimum penalties. This Order requires the Discharger to develop and implement new or modified control measures to comply with the effluent limitations B.1.B. for BOD, total suspended solids, total coliform organisms, turbidity, ammonia, and Effluent Limitations B.2, and B.3.
15. Issuance of this Order is exempt from the provisions of the California Environmental Quality Act (Public Resources Code, Section 21000, *et seq.*), in accordance with Section 15321(a)(2), Title 14, California Code of Regulations.
16. Any person adversely affected by this action of the Regional Water Board may petition the State Water Resources Control Board (State Board) to review the action. The petition must be received by the State Board Office of the Chief Counsel, P.O. Box 100, Sacramento, CA, 95812-0100, within 30 days of the date on which the action was taken. Copies of the law and regulations applicable to filing petitions will be provided on request.

IT IS HEREBY ORDERED THAT pursuant to CWC Section 13300 and 13267:

1. The City of Williams comply with the following time schedule to ensure compliance with Order No. 5-01-049 Effluent Limitations B.1B. for BOD, total suspended solids, total coliform organisms, turbidity, and ammonia, as well as Effluent Limitations B.2, and B.3, in accordance with the following time schedule:

<u>Task</u>	<u>Compliance Date</u>
Provide Documentation of Adequate Funding for Project	1 February 2008
Complete CEQA Process for Project	1 February 2008
Complete Design for Project	1 October 2008
Start Construction of Compliance Project	1 January 2009
Progress Report	1 January 2010

<u>Task</u>	<u>Compliance Date</u>
Full Compliance	1 October 2010

The Discharger shall submit to the Regional Water Board on or before each compliance date, the specified document or, if appropriate, a written report detailing compliance or noncompliance with the specific schedule date and task. If noncompliance is being reported, the reasons for such noncompliance shall be stated, and shall include an estimate of the date when the Discharger will be in compliance. The Discharger shall notify the Regional Water Board by letter when it returns to compliance with the time schedule.

2. The following interim effluent discharge limitations for BOD, total suspended solids, and total coliform shall be effective until 1 October 2010 or when the Discharger is able to come into compliance, whichever is earlier:

<u>Constituent</u>	<u>Units</u>	<u>Monthly Average</u>	<u>Weekly Average</u>	<u>Monthly Median</u>	<u>Daily Maximum</u>
BOD ¹	mg/L	60 ²	90 ²		120 ²
	lbs/day ³	250	376		500
Total Suspended Solids	mg/l	110 ²	165 ²		220 ²
	lbs/day ³	460	690		920
Total Coliform	MPN/100 ml			23	500

¹ 5-day, 20°C biochemical oxygen demand (BOD)

² To be ascertained by a 24-hour composite

³ Based upon a design treatment capacity of 0.5 mgd

3. If, in the opinion of the Executive Officer, the Discharger fails to comply with the provisions of this Order, the Executive Officer may apply to the Attorney General for judicial enforcement or issue a complaint for Administrative Civil Liability. If compliance with these effluent limitations is not achieved by the Full Compliance date, the discharge would not be exempt from the mandatory minimum penalties for violation of certain effluent limitations, and would be subject to issuance of a Cease and Desist Order in accordance with CWC section 13301.
4. As required by the California Business and Professions Code Sections 6735, 7835, and 7835.1, all technical reports required herein shall be prepared by, or under the supervision of, a California Registered Engineer or Registered Geologist (as applicable) and shall be signed by the registered professional.

5. Any person signing a document submitted under this Order shall make the following certification:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document and all attachments and that, based on my knowledge and on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment."

I, PAMELA C. CREEDON, Executive Officer, do hereby certify the foregoing is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Control Board, Central Valley Region, on _____.

PAMELA C. CREEDON, Executive Officer